



**REGULAR BOARD MEETING
University Park Plaza
Conference Room A – 4TH Floor
2829 University Avenue S. E.
Minneapolis, Minnesota 55414**

Minutes

November 20, 2009

- Members Present:** Christine Black-Hughes, LICSW
David Hallman, LSW, Chair
Jacqueline Johnson, LICSW
Rosemary Kassekert, Public Member
Janna Kovach, LSW
Mary Casey Ladd, LICSW
Kenneth Middlebrooks, Public Member, Vice Chair
Carol Payne, LSW
Ruth Richardson, Public Member
Tamerlee Ruebke, LSW
Beverly Ryan, LISW
David Sandry, Secretary-Treasurer
Angie Stratig, LICSW
Antonia Wilcoxon, Public Member
- Staff Present:** Louis Hoffman, Director of Compliance
Michelle Kramer-Prevost, LGSW, Staff Social Worker
Brenda Mammenga, Recording Secretary
Connie Oberle, Office Manager
Kate Zacher-Pate, LSW, Executive Director
- Staff Absent:** Sheryl McNair, LICSW, Assistant Director

1. PROPOSED AGENDA [Attached]

Chair Hallman called the meeting to order at 9:10 a.m.; a quorum was present. The Board unanimously approved the agenda.

2. MINUTES FOR SEPTEMBER 18, 2009 BOARD MEETING [Attached]

The Board unanimously approved the September 18, 2009 minutes.

3. EXECUTIVE DIRECTOR'S REPORT: Zacher-Pate [Attached]

Zacher-Pate said the award she received from ASWB as the Administrator of the Year was on display in the back of the room. She thanked the Board for the recognition. The following is her report:

A. Staffing Update

- Sheryl McNair is on a paid leave, beginning October 6th. She has adjusted her voice mail and e-mail to reflect this occurrence.
- Other staff has been out of the office for extended periods of time with illness which has been a challenge, and work has been triaged accordingly.
- In September the Board decided to revise and update the strategic plan. Hallman, with staff assistance, was to prepare a working document to identify completed items from pending items. This project has now been put on hold so staff can focus on essential duties.

B. Internal Operation Priorities

- The following essential agency functions have been identified:
 - Phones/emails
 - Daily mail/deposit/reconciliation
 - Licensing functions
 - Renewal functions
 - Complaints
 - Operations: bills/invoices/purchase orders
- Staff identified the following priorities from the September staff meeting:
 - Increased cross-training and written procedures
 - Website updates and continual maintenance
 - Student presentations with information on the application process
 - Complete testing and training for the new Electronic Document Management (EDM) system
- Staff identified the following items to be temporarily put on hold :
 - The internal policies and procedures initiatives (except for one priority per work group)
 - Mailing the post card notice to Licensees regarding the Board's 2009 Legislative housekeeping changes, which are on the Board's website
 - The Board's strategic plan (a copy was distributed)
 - The MDH Workforce survey (a meeting is scheduled for December 17)

Zacher-Pate thanked staff for the extra effort shown during this challenging time.

C. External Initiatives

- DHS Revision of Rule 47:
 - The Department of Human Services is revising Rule 47, which is used to determine the eligibility requirements and rates for Medicaid reimbursement. The Rule impacts the profession, consumers and public policy. Changes will be enacted through legislation.
 - DHS has invited Zacher-Pate and stakeholder groups such as professional associations, Board representatives and educators to be in a work group.

- DHS goals include defining the standards to define provisions for diagnostic assessments and reimbursement, and setting provisions for psychotherapy standards and/or clinical interventions.
- A goal the professional associations and others have advocated for is the reimbursement of clinical practice supervision as a billable service which would include improved accessibility and competent delivery of services. However, this goal is not realistic at this time.
- There was discussion about the Medicaid reimbursement structure which provides payment to professionals according to their profession, credentials, academic degree, etc. For example, LICSWs are not reimbursed at the same rate as PhD, LPs, and LGSWs who require supervision and cannot practice independently in a clinical capacity are reimbursed at a lesser rate than LICSWs.
- DHS may propose that LGSWs and other practitioners who are supervised be reimbursed at the same rate as the independent practitioner in their discipline.
- Zacher-Pate has provided a regulatory perspective regarding the Board's standards for supervision.
- Within several weeks DHS will post their draft revised rules for public comment. The Board may choose to respond to issues related to its public safety mission and consumer access to health professionals who meet standards of competence.
- There has been discussion related to enhanced standards for qualifications to provide psychotherapy and diagnostic assessment. This may be measured through a certification process and it is unclear at this time what standards and implementation process may be developed. Members of the work group did not think it appropriate for the licensing boards to be responsible for the implementation of these requirements as it is thought to be outside of the boards' authority.
- MDH Rural TeleMental Health Work Group
 - Zacher-Pate is serving on this DHS work group exploring telemental health issues in Minnesota. The work group is charged to make a report and recommendations to the Legislature about telemental health and whether funding should be requested for the project. This feature is being used in agencies that have effective security systems and it is particularly useful in Greater Minnesota.
 - The committee will research how telemental health applies to other disciplines and how it relates to regulation and public safety. Also, it is an opportunity for the Board to provide input on the issue and to consider how it impacts the Board's jurisdiction and regulatory authority.

D. Health Licensing Board Legislative Strategic Plan

- The Executive Directors determined a need for a stronger presence at the Legislature utilizing the HLB Policy Committee which Zacher-Pate serves on. Strategies are being explored to further develop informational materials and scheduling meetings with primary committee representatives and key Legislators' offices.
- Representative Abeler met with the EDs recently and shared strategies regarding who should be contacted and why, and what message should be given to the Legislators.

- Brian LeClair, the Governor's Chief of Staff, met with some of the EDs, and a meeting with Representative Kahn, who supported the e-licensing surcharge, may be held in December.
- The ED's met with Jim King, the Executive Budget Officer, and an invitation will be extended to Tom Hanson, the Commissioner of MM&B in relation to the OET e-licensing surcharge. Beginning July 2009, the surcharge fees are being transferred on a monthly basis, from the accumulated balance in the HLB State Government Special Revenue Fund (SGSRF), to OET. The BOSW portion of the surcharge is estimated to be in the range of \$85,000 to \$100,000 per fiscal year. The SGSRF accumulated surplus will not likely sustain the full amount of the surcharge for the program's duration. In addition the HLBs are working to determine the cost of the modifications required to technical and online services to assess the fee, for which there is no funding or appropriation.
- The EDs have developed a budget request which it will submit to MM&B through the HLBs Executive Budget Officer limited to the HLBs cost to complete the technology changes and to collect the e-licensing surcharge from licensees. The BOSW estimate for the technology changes is approximately \$14,000 - \$16,000.

E. Board Strategic Plan Status Report [To be distributed]

- Completed tasks have been removed from the plan. Revisions may be completed by the Board in the future.

F. Attachments

- Statistics. The September-October online renewals have made a new high at 89% compared to 69% one year ago. Online applications have increased to 76%.

G. ASWB Fee Increase Implementation [See Committee report]

H. CLEAR Online Board Member Training

- Board members and staff received an e-mail with the link for the CLEAR online board members training as a method to continue board member and staff development in a very economical method.

I. OET Update

- During the 2009 Legislative session, the Legislature approved a surcharge upon state agencies which would enable OET to build a statewide e-licensing system. Recently, the EDs, IT Staff, key representatives from OET and the consultants from DeLoitte & Touche, who have been contracted to facilitate the development of the new enterprise system, met to discuss the e-licensing system. The HLBs will contribute about 25% of the cost for the system. Planning will begin to begin migrating agencies over the next years, with completion of HLB migration in 2011.

4. **COMPLIANCE COMMITTEE:** Hallman, Johnson, Kovach, Ladd, Middlebrooks, Payne, Ryan, Stratig [No cases at this time; Other Information Attached]

- Hoffman reported there are 36 open cases. However, there are about six complainants who have not provided sufficient information to open a file and they will be opened when the requested additional information is received from the complainants.

- Of the 36 cases, 12 are three months old or less; 24 are six months old or less. The number of cases six or months or older are either being investigated or have been investigated by the A.G.'s Office.
- The e-compliance system is going well. In addition to meeting the initial goals of the project, the scanning of materials for the Compliance Committees results in improved record retention.
- In addition to the two policies the Board acted upon at the last Board meeting and the one on this agenda, staff is working to refine a process regarding compliance files that are opened as a result of licensees' failure to comply with renewal requirements. These cases will likely be referred to the Compliance Panels for consideration if unlicensed practice appears to be an issue.
- Hoffman referred to the proposed "Compliance Committee Denial and Clearance Policy and Procedure" which the Board is being asked to act upon today. The Board's policy and procedure to revoke and non-revoke a license is based on tax denials and clearances received from the Minnesota Department of Revenue under Minnesota Statutes section 270.72, and have historically been approved by the Board. However, the Statute states the Board must complete the revocations within thirty days, and the Board meets bi-monthly. In order to comply with this provision, the Executive Director shall, on behalf of the Board, sign an Order of Administrative Revocation. The A.G. has advised Board staff that these revocations are public "administrative" revocations and are non-disciplinary. Reporting of these actions must follow procedure for the reporting entities including the Association of Social Work Boards' Disciplinary Action Reporting System, the Department of Health and Human Services' Health Insurance Portability Data Bank, National Practitioner Data Bank, and Office of the Inspector General.

A motion was made from the Compliance Committee that the Board approve the recommended Tax Denial and Clearance Policy and Procedure (see attached for complete language). The motion carried unanimously.

- Hoffman noted Dwight Hymans, Director of Board Services at ASWB, has contacted its list serve participants asking if they would participate in one of three research projects awarded through the revitalization of the ASWB research arm, the American Foundation for Research and Consumer Education in Social Work Regulation. This project is focused on an analysis of social work disciplinary actions across the U.S. to create a comprehensive descriptive study of professional sanctions. The project will be conducted by Dr. Kim Boland-Prom of Governor's State University, and ASWB has agreed to allow her to access to public information contained in the Disciplinary Action Reporting System (DARS). Participation in the project is voluntary, and Board Staff will work with Dr. Boland-Prom on the project.
- Hoffman said he and Ruth Martinez, Compliance Director of the Board of Medical Practice, are planning to soon begin regular meetings with the Compliance Directors of the other HLBs to discuss compliance issues. The EDs will be informed of the proposed meeting at its next ED Forum.
- Hallman reported the Compliance Committees had a compliance member training yesterday with the Board's A.G. Representative, Nathan Hart.

5. ELECTION OF BOARD OFFICERS FOR 2010 [Attached]
[See Agenda item number 8. K. Nominating Committee]

6. FARB CONFERENCE ATTENDANCE: Hallman [Attached]

Hallman reported the following:

- After discussion with the Finance Committee and Zacher-Pate, it was determined the Board may send one Board member and one Staff member to the conference.

A motion was made by Sandry, and seconded by Johnson, allowing Ruebke and one Staff member to attend the FARB Conference in Las Vegas from January 28-31, 2010. The motion carried unanimously.

7. BOARD MEETING SCHEDULE FOR 2011 [Attached]

Zacher-Pate referred to the Board meeting schedule for 2011 and the Board unanimously approved the schedule.

8. COMMITTEE & LIAISON REPORTS

A. Advisory Committee: Wilcoxon [Attached]

Wilcoxon, Kovach and Zacher-Pate attended the October 9 meeting and reported the following:

- Kovach reported on the three Board member vacancies, one being the LSW working for a state agency position slot.
- Kovach and Zacher-Pate reported on the Board's response to the ASWB fee increase stating the Board "does not support the resolution in its present form and that it has directed its delegate to vote accordingly". The letter also indicated that "the professional social work associations represented on the Board's Advisory Committee have also expressed their concerns and opposition to the present resolution". However, the fee increase did pass at the Delegate Assembly.
- There was a report about the Licensing Study Committee's meeting with Senator Marty which resulted in constructive strategies the Committee could use in proposing legislation.
- There was a report on the Board's support of Paula Tracey as she conducts research on clinical supervision in greater Minnesota.
- Congratulations were extended to Zacher-Pate, who was awarded Administrator of the Year by ASWB.
- Pam Luinenberg from the Minnesota Coalition of Licensed Social Workers reported on the issue of rural social workers need to comply with the additional supervision as provided for in the new requirements effective in 2011.
- Luinenberg spoke as a representative of the Advisory Committee and stated there has been significant discussion on social workers, particularly in rural areas, receiving clinical supervision from professionals of another discipline. Ron Brand, Executive Director of the Minnesota Community Mental Health Programs, has expressed his concerns about small agencies only having one professional, and they prefer to have supervision provided for by a professional within the agency. There is the concern of privacy issues, conflict of interest and agency practice policies. Also, there is the concern of agencies taking on the cost of paying for supervision outside the agency and paying for travel expenses.

- Luinenberg said some agencies will not hire an LGSW as it costs too much for their supervision. Zacher-Pate reported that in the DHS work group for the revision of the DHS Rule 47, there is interest in reimbursing the services of an LGSW at the same rate as a LICSW, which may motivate agencies to hire licensees who require supervision. There is no guarantee that these changes may be enacted.
 - Luinenberg said the Advisory Committee's Supervision Task Force has an Accessibility Work Group and a Tools and Implementation Work Group who are making developing information that may aid licensees in seeking off-site licensing supervision and how it would impact their work within the agency.
 - Luinenberg contacted the Board of Licensed Marriage & Family Therapists and was informed those licensees may receive a specific amount of licensing supervision from other mental health professionals, outside their own discipline. The Board of Psychology and the Board of Clinical Professional Counselors have the same provision.
- B. ASWB: Middlebrooks, Zacher-Pate
- Middlebrooks reported on his attendance at the ASWB 2009 Annual Meeting in Clearwater, Florida, October 29-31.
 - ASWB is a member organization comprised of Boards that regulate social work practice, and develops and maintains the social work licensing examinations used in 49 states, 10 Canadian Provinces and Territories, including Washington, D.C. and the U.S. Virgin Islands. (California is the only state that is not a member of ASWB and administers its own test for clinical social workers.) Year to date, the Association has administered approximately 30,767 examinations.
 - Revenues are projected to be \$6.7 million in 2009 versus \$7 million in expenses. Approximately \$250,000 will be transferred from its reserve fund to fund operations.
 - ASWB holds two meetings each year, the Spring Educational meeting held in April or May, and the Annual Business meeting held in late October or early November. The Business meeting includes general committee updates, nominations and Board elections, candidate speeches and award presentations, an administrative forum, Executive Session for examination data. Each member jurisdiction is allowed one vote for action items.
 - Donna DeAngelis, ASWB Executive Director, Charlotte McConnell ASWB President, and Dale Atkinson, ASWB Legal Counsel, reported at the beginning of the meeting. Each speaker spoke about the need for an examination fee increase, and it was approved by the Delegate Assembly.
 - De Angelis noted that ASWB has posted a request for proposal (RFP) from testing vendors for ongoing examination development and administration activities. The last RFP was executed in 1996, and a contract was signed with ACT in 1998. The proposal deadline was November 30, 2009.
 - Middlebrooks asked Board members to volunteer for ASWB committees as it's critically important to have representation from Minnesota. He said ASWB pays travel expenses and some meetings are conducted by teleconference.
 - Zacher-Pate received the "Outstanding Administrator of the Year Award".
 - Day two of the meeting was the Executive Session, which included the examination report, and attendees were asked to sign a confidentiality agreement.

- There were three reports from the Examination Committee: the Practice Analysis Task Force, the Item Bank Status (report from ACT) and Test Security Audit (report from Caveon). The examination was determined to be valid, secure, and non-discriminatory from the ESL perspective.
- The Finance Committee report included the rationale and documentation for the examination fee increase. In preparation for the fee increase discussion, Zacher-Pate was directed by the Board to send a letter to Donna DeAngelis opposing the fee increase and to post the letter on the ASWB Administrators lists serve. Prior to the Delegate Assembly Middlebrooks and Zacher-Pate had a telephone conversation with McConnell, ASWB Board President.
- The Boards from British Columbia, Louisiana, Minnesota, Mississippi, Montana, New York, Ohio, Wisconsin, and a few other jurisdictions directed their delegates to oppose the proposal. The fee increase passed with a vote of 37 to 16.

[Wilcoxon arrived at 11:10 a.m.]

Zacher-Pate expressed her appreciation for Middlebrook's commitment and hard work at the Annual Meeting. She made the following comments:

- There were 120 attendees at the Delegate Assembly with 56 of the 61 member jurisdictions represented making this the largest attendance to date.
- Zacher-Pate attended the Administrator's Forum which takes place the day before the Annual Meeting. The Forum is an opportunity for administrators to network, share ideas, work on initiatives and hear a report on the examination. For instance, in 2008 ASWB took 70,000 phone calls regarding examination registration, there were over 32,000 exam registrations, and over 30,000 examinations were administered. Phone calls increased 29% in 2008 and the number of registrants for examination increased 33%, which continued a significant revenue stream increase. Incident reports, the problems applicants have at the testing centers, have decreased.
- ASWB has revised its "Unofficial Score Report" which is given to candidates after an examination before they leave the test site. Applicants have reported the previous score report did not give them enough information about their failure related to exam content areas to aid in preparation to retake the exam. In September, ASWB began informing candidates how many questions they need to answer correctly in order to pass the exam, how many answers they answered correctly, and how well they did in each content area. This is a welcome improvement and very helpful to the candidates.
- ASWB has just completed their International Practice Analysis which occurs about every six years. The analysis drives changes to the examination as it surveys social workers who are working in the U.S. and Canada about their practice, their skills, and what they need to do to be successful. A result of the analysis is that the current Advanced Generalist exam is weighted too heavily in clinical content questions, which will now be adjusted. This has been a complaint of our LISW applicants.
- ASWB is recruiting Exam Item Writers for all the exams and is interested in recruiting exam writers for the Advanced Generalist exam in particular. Minnesota is one of the few jurisdictions to continue to use this exam and is an opportunity to provide expertise.
- In regard to ASWB pass/fail rates, national passing rates for 2008 was 77% for the Bachelor's exam, 74% for the Master's exam and 58% for the Advanced

Generalist exam where only 180 exams were administered. The national Clinical exam passing rate was 76%. Minnesota rates approximately 10% higher in its passing rate for each examination. The passing rate for ESL candidates was extremely low and is based on candidates who have ESL exam provisions approved by a jurisdiction. There are only a few jurisdictions with the ESL provisions and, therefore, there is a lack of data available. It would be valuable to request ASWB to enhance its exam data collection related to candidates' race, ethnicity and primary language.

- C. Compliance Education Outreach Committee: Wilcoxon
- Hoffman reported the Committee presented at the St. Louis County Health and Human Services Conference in Duluth in October and the Board had an informational booth.
 - Kramer-Prevost staffed an informational booth at the Minnesota Chapter of the National Association of Black Social Workers in October.
 - The Committee will present at the MSSA Conference in March, and Middlebrooks said the Legislative Task Force will present at that conference, also.
- D. Council of Health Boards: Kassekert
- Kassekert reported the committee has not met.
 - Zacher-Pate reported three subcommittees of the Council have been convened at the request of the Legislature to review possible legislative regulatory proposals, and she is the Chair of the Council's Massage Therapist subcommittee. Zacher-Pate thanked Kassekert for her participation on the subcommittee.
 - Zacher-Pate said the review process includes approximately 60 questions which the professions are required to respond, and documenting of information. Along with the Massage Therapists, Laboratory Technicians and Body Artists are seeking regulation at this time. Each subcommittee is charged with producing a report for the Council for consideration and action by the Council. If the reports are endorsed by the Council, they will be submitted to the Legislature.
- E. Executive Committee: Hallman, Middlebrooks, Sandry
- Hallman reported the committee met yesterday and Zacher-Pate has discussed items in her reports and Sandry will report on Board finances later.
 - HPSP has asked the Board to appoint or reappoint a representative to HPSP's Program Committee.

A motion was made from the Executive Committee that the Board approve reappointing Kassekert as the Board's representative to HPSP's Program Committee. The motion carried unanimously.

- F. Finance Committee: Sandry [Attached]
- Sandry reported the Committee meet yesterday and financial reporting is available for 33% of the fiscal year. FY 2009 total expenses are 26%; total revenues are 34%, including absorbing the 10% fee reduction, and the salary for the Temporary IT position, which was previously covered by a stand-alone technology fund. Sandry said the 10% fee reduction calculation appears to be

the correct amount for the Board to maintain its financial security and to more closely balance revenues and expenditures.

- Zacher-Pate noted the actual date for the \$6 million transfer from the HLB accumulated revenue funds was changed at the end of the 2009 session from FY 2010 to FY 2011, and that has incorrectly noted in oral presentations the transfer would occur in FY 2010. Therefore, the transfer will occur on July 1, 2010 and this Board's transfer amount is estimated to about \$500,000.

G. HPSP: Kassekert

Kassekert reported the Program Committee met on November 17 and the following was discussed:

- There are a small percentage of participants who are being treated for either physical or mental disabilities. In these cases, the participant's doctor is asked to recommend whether the participant may practice in the foreseeable future or not. Depending on the circumstances, participants may practice part-time and remain in the program. If a participant is not managing their illness they may not practice and a report is submitted to the Board for further action. If the participant is managing their illness, they may practice and no report is made to the Board.
- The budget will carry the HPSP through the year, and work continues on improving database security and rebuilding the database.
- Four different Participation Agreements are being developed to conform to a participant's needs rather than working from the one that is currently in use. Participants may be monitored for mental health, diversion and medical disorders. An alternative to administering toxicology screens is also being developed.
- Suggestions were sought on a method to increase participants completing The Participant Feedback Survey as the return rate is about 20%.

H Legislation & Rules Committee: Ladd

- Ladd reported the Committee did not meet and awaits its next legislative task.

I. Legislative Task Force: Middlebrooks, Wilcoxon

- Middlebrooks reported the committee has met twice since the last Board meeting and it is working on two documents. One document is "Frequently Asked Questions" for the Board and committee's use in answering questions on the legislative proposal that is being drafted to modify public sector social work exemptions.
- The other document is a progress letter to MACSSA (Minnesota Association of County Social Service Administrators) as the committee has not met with Kate Lerner, Director of MACSSA, since 2008.
- The committee is scheduled to present in a public forum at MSSA's (Minnesota Social Service Association) Conference on March 25th.
- Zacher-Pate noted MSSA is a strong stakeholder group and includes both licensed and unlicensed social service workers from counties and private agencies. MSSA has historically supported public sector exemptions and opposed modifications to the exemptions. She invited Rod Halvorson, Executive Director of MSSA, to meet with the Committee, but he said it would depend on the position its Delegate Assembly takes regarding public sector exemptions.
- The committee will have a presentation on its work thus far at the January Board meeting.

J. Licensing Study Committee: Wilcoxon

- See Item Number 13. Roundtable section of the agenda for this report.

K. Nominating Committee: Sandry

Hallman thanked the Board for the opportunity to serve as the Board Chair for the past two years and stated he has never met a more caring and professional group of individuals. Every challenge that was encountered was met with overwhelming enthusiasm and effort and he thanked the Board for the opportunity to serve.

Sandry reported the Board's Nominating Committee presents the slate of Board members for consideration for the positions of Chair, Vice-Chair and Secretary-Treasurer for the 2010-2011 calendar years. The nominations are as follows: Chair: Ken Middlebrooks; Vice-Chair: Chris-Black Hughes and Carol Payne; Secretary-Treasurer: David Sandry. Nominations were also called from the floor. No additional nominations were made.

Hallman announced the nominations were closed and the following motions were made:

A motion was made from the Nominating Committee that the Board approve its nomination of Ken Middlebrooks as Chair of the Board for the 2010-2011 calendar years. The motion carried unanimously.

A motion was made from the Nominating Committee that the Board approve its nomination of David Sandry as Secretary-Treasurer of the Board for the 2010-2011 calendar years. The motion carried unanimously.

Hallman said the Nominating Committee has a paper ballot prepared to be used in voting for the Vice-Chair nominees, Black-Hughes and Payne. A short break was taken to vote and count ballots.

A motion was made from the Nominating Committee that the Board approve its nomination of Chris Black-Hughes as Vice-Chair of the Board for the 2010-2011 calendar years. The motion carried unanimously.

Hallman reported the Board still has a vacancy on the Board for a LSW from a State agency and there is time for those interested in serving on the Board to apply with the Secretary of State's Office.

[Black-Hughes arrived at 11:45 a.m.]

9. LUNCH: 11:50 a.m. – 12:15 p.m.

10. HEALTH PROFESSIONALS SERVICES PROGRAM (HPSP) REPORT:

Kurt Roberts, HPSP Case Manager [Attached]

Hallman welcomed and introduced Kurt Roberts. Roberts reported the following:

- HPSP is a state agency which is funded by the Health Licensing Boards to provide monitoring services to health professionals with illnesses that may impact their ability

to practice. The mission of HPSP is to enhance public safety in health care and acts as a resource for licensees, licensing boards, health employers, practitioners, and medical communities serve health professionals with substance, psychiatric and other medical disorders.

- The past several years the HPSP caseload has been between 560-570 practitioners. Approximately two-thirds of the cases come to HSPS without Board involvement and the remaining one-third are referred through Board order or recommendation. There have been 116 referrals to HPSP from the BOSW since its inception in 1997, representing 98 Social Workers as some were referred more than once.
- HPSP coordinates the practitioner's care and works with the providers to develop a monitoring plan which documents the practitioner's progress and includes recommendations for their care. A practitioner will be in the program for approximately 24 months for a mood disorder, and 36 months for substance abuse disorder. If the disorder is co-occurring, the program may last for 36 months or longer.
- There are a number of discharge categories and completion of the program occurs when the practitioner completes the requirements of the Monitoring Plan. Several of the discharge categories include non-compliance which occurs when the practitioner relapses or is unable to fulfill the requirements; non-cooperation occurs before the Monitoring Plan is established; or the case is determined non-jurisdictional when the condition has not been medically diagnosed.
- The illnesses of social workers referred to HPSP include 48% for substance disorders (with a preponderance of alcohol abuse/dependence); 77% with psychiatric disorders (49% without a substance disorder); and 7% with a medical illness (3% without a substance disorder).
- HPSP is governed by a Program Committee with representation from each Health Licensing Board and Rosemary Kassekert is the Board's representative. HPSP has an Advisory Committee with representation from the professional associations and Randy Herman, LICSW, representing NASW- MN Chapter.

Hallman thanked Roberts for his presentation.

11. PUBLIC COMMENT

Pam Luinenberg from the Minnesota Coalition of Licensed Social Workers commented on the Board's user friendly website and the effects of migrating Board information to the OET website which is under construction.

Alan Ingram, Executive Director, NASW-Minnesota Chapter, commented that he is proud of the Board's delegation to ASWB and appreciated their valuable report about the Annual Meeting.

12. OTHER BUSINESS

The following comments were made:

- Ladd commented on the telephone call she received regarding the implementation of the new legislative requirements and the new supervision requirements. She referred the Licensee to the Board's new legislation and summary on the Board's website.
- Zacher-Pate commented if Board members receive inquiries from applicants or licensees on the new requirements, to please direct them to the Board's website and to Board staff for further information. In regard to transition questions from current to

2011 requirements, the "bright line" effective date of the change is August 1, 2011. Therefore, any supervised practice hours completed prior to that date will be under the current regulations of three hours per month maximum, and as of August 1, 2011, the hours will be increased to the new regulations. Also, anyone applying after August 1, 2011, for a new LICSW license will be held to the academic requirement of 360 hours in clinical content knowledge areas, and other applicable requirements.

13. ROUNDTABLE

- Middlebrooks thanked the Board for voting him into the Board Chair position and most importantly, for Hallman's leadership the past two years. He also thanked Sandry for his work and the competence they both shared in their positions on the Board. Middlebrooks also said he looks forward to working with Black-Hughes in the future.
- Kramer-Prevost said she and Zacher-Pate have recently been busy with student presentations. Kramer-Prevost presented at Winona State, Saint Scholastica, UMD, St. Cloud State, St. Ben's and will present at Bethel next week. Zacher-Pate presented at Augsburg and the U of M Twin Cities Campus. Also, the Licensing Unit will begin reporting to the Board and Kramer-Prevost asked if there were any topics the Board would like information about from Licensing.
- Oberle reported that Board Members should only use the MAPS Accounting Expense Reports.
- Wilcoxon has been working on cultural disparities at the Department of Human Services and she renewed her request for the Board to study cultural and linguistic issues. Also, she asked if it is possible to ask applicants for licensure their demographic information.
- Wilcoxon reported that she and Black-Hughes, Kovach, McNair, Richardson, and Zacher-Pate met with Senator John Marty and his staff to update them on the Board's study and to let them know that the Board is continuing its work on the study recommendations. Marty was very engaged in the conversation and perhaps another meeting will be set up.
- Zacher-Pate said Senator Marty's Legislative Assistant suggested that the committee craft its information and focus on the report recommendations which may have legislative impact. There was discussion on the fee reduction and Marty was pleased the reduction was accomplished. The Board had a conceptual idea about a limited practice license and Marty was in support of the idea. The license would be available for retired licensees or those that practice in a limited capacity in one of three areas: 1) providing licensure supervision, 2) serving underserved communities, and 3) and serving in crisis situations. Senator Marty also supports modifying county exemptions and offered strategies in this regard.
- Senator Marty has a health care bill which includes student loan forgiveness for health professionals. The committee asked if social workers are included, and if not, would he consider including them. After the meeting Black-Hughes e-mailed Senator Marty that social workers were not included in the bill and she believes an aide replied saying they will look into this. Black-Hughes suggested Board members and other organizations e-mail Senator Marty and encourage him to include social workers in the loan forgiveness provision.
- Wilcoxon reported that Luinenberg and Ingram were also at the meeting with Senator Marty. Wilcoxon thanked the committee members who met with Senator Marty.

- Richardson thanked the Board for sending her to the CAC Conference in Lake Buena Vista, Orlando, Florida on October 28-30. Richardson said the conference was very informative and she will share the information she received with Zacher-Pate. Zacher-Pate apologized for the oversight in not placing the report on the agenda for this meeting. A full report will be placed on the next agenda.
- Johnson expressed her gratitude to Hallman for being Chair and she enjoyed working with him. She also said she looked forward to working with Middlebrooks in the future.
- Ladd reported Johnson would like to be included on the Legislation and Rules Committee. She also reported the Compliance Committee had an educational meeting with a social worker yesterday who had been practicing without a license, but who has applied for licensure. Ladd asked if the Board could send an educational letter, including the requirements for licensure, to agencies in which applicants are employed and are believed to be practicing before obtaining a license.
- Black-Hughes thanked Hallman for his work with the Board and stated she looks forward to working with Middlebrooks and Sandry. She thanked those who voted her into the Vice-Chair position on the Board. Black-Hughes also thanked McNair for spending the entire day at Mankato State University as she presented to both the BSW and MSW students.
- Zacher-Pate thanked Hallman for his service to the Board and said he will be recognized for his service in January. She looks forward to working with the new Board officers. Zacher-Pate also reported that implementing the exam fee increase required a great deal of work which was minimized at the ASWB Delegate Assembly. She said she took a proactive and diligent approach by updating the Board's information sheets, the website, and the Board, the Executive Committee and the Advisory Committee were informed of the change. Also, an e-mail was sent to every academic program in the state and both paper and online applications materials were revised. A query was run to determine how many licensure candidates would not know about the fee increase, which includes applicants approved for the examination, but for whom no exam score has been reported. There were 400 applicants who received letters informing them of the change and the deadline to apply and avoid the increased rate. The Board generally receives 100-120 new applications per month and last week alone there were 70. The implementation of the fee increase is so immediate, and has significantly increased staff workload. Zacher-Pate expressed her appreciation at how quickly, comprehensively and effectively staff has positively reacted to the fee increase. The Board's information sheet and the memorandum from Donna DeAngelis are included in the Board packet.

14. ADJOURN

The meeting adjourned at 1:25 p.m.

Respectfully submitted,



David Sandry
Secretary-Treasurer

COMPLIANCE COMMITTEE

Motions to the Board

Tax Denial and Clearance Policy and Procedure

The Board's policy and procedure on revoking and non-revoking licenses based on tax denials and clearances received from the Minnesota Department of Revenue under Minnesota Statutes section 270.72 is as follows:

Under Minnesota Statutes section 270.72, all occupational and professional licensing boards, including the Board of Social Work, are required to revoke licenses within thirty days when informed by the Minnesota Department of Revenue that a licensee has either failed to file a required tax return or has unpaid tax liability in excess of \$500.00. Boards are authorized to non-revoke licenses when informed by the Department that the return has been filed or the liability paid.

Because the Board of Social Work meets six times per year, it is frequently unable to revoke a license within thirty days. In addition, the Board has no discretion; the law requires it to act. In the case of non-revocation, the Board has discretion and requires (1) evidence that the licensee did not engage in unauthorized social work practice while revoked, (2) payment of appropriate fees when required, and (3) proof of compliance with the Board's continuing education standards when required. Cases involving tax liability rarely involve discretion and staff proposes that, in most case, the Board's authority to act in these cases be delegated to the Executive Director as follows:

1. When the Department of Revenue issues a *Notice of License Revocation* to the Board, the Executive Director shall, on behalf of the Board, sign an *Order of Administrative Revocation*. To avoid the need to non-revoke or vacate an order should the licensee meet his or her tax obligations promptly, the Board shall issue the Order of Administrative Revocation as close to the end of the thirty day period as possible.
2. A copy of the *Order* shall be provided to the Board for information only at its next meeting.
3. If, when the Department of Revenue issues a *Clearance Certificate* to the Board, the Licensee demonstrates that (a) he or she has not engaged in unauthorized social work practice while revoked, (b) pays the appropriate fee, and (c) submits the appropriate continuing education information, the Executive Director shall, on behalf of the Board, sign an *Order of Administrative Non-Revocation*.
4. A copy of the *Order* shall be provided to the Board for information only at its next meeting.
5. If, when the Department of Revenue issues a *Clearance Certificate* to the Board, the Licensee cannot demonstrate that (a) he or she has not engaged in unauthorized social work practice while revoked, (b) fails to pay the appropriate fee, (c) fails to submit the appropriate continuing education information, or (d) there is any other irregularity making staff action inappropriate, the matter will be placed on the agenda of the next Board meeting for discussion and action.

Dated November 20, 2009